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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA- EUREKA**

12 CHRISTOPHER GENE LYMAN; JESSICA
HELEN O'DANIEL,

13 Plaintiffs,
14 vs.

15 SAXON MORTGAGE SERVICES, INC.;
16 OCWEN LOAN SERVICING, LLC; FIRST
NLC FINANCIAL SERVICES, LLC; and
17 DOES 1 through 100 , inclusive

18 Defendants.

Case No: CV110433

**STIPULATION RE. EXTENSION OF
TIME TO APRIL 27, 2012 TO FILE
REPLY TO PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Date: May 15, 2012
Time: 10:00 a.m.
Ctrm: 205a

20 **IT IS HEREBY STIPULATED AND AGREED** by Plaintiffs CHRISTOPHER GENE
LYMAN and JESSICA HELEN O'DANIEL (collectively "Plaintiffs") and Defendants OCWEN
21 LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
22 TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS
23 THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK
24 NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
25 TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS
26 THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE
27 CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,

1 INC., AND WESTERN PROGRESSIVE, LLC (collectively "Defendants") by and through their
2 respective counsel of record herein, that:

3 Whereas Defendants have filed a Motion to Dismiss Plaintiffs' Third Amended
4 Complaint ("TAC") currently scheduled for hearing before this Court on May 15, 2012;

5 Whereas Plaintiffs have filed an Opposition to Defendants' Motion to Dismiss the TAC,
6 and Defendants' Reply to Plaintiffs' Opposition to the Motion to Dismiss the TAC was currently
7 due April 25, 2012; and

8 Whereas the Parties have agreed that Defendants shall be permitted a two (2) day
9 extension in which to file and serve their Reply to Plaintiffs' Opposition to the Motion to
10 Dismiss the TAC **until April 27, 2012.**

11 **IT SO AGREED AND STIPULATED.**

12 DATED: April 22, 2012

NEARY AND O'BRIEN

13 /s/ Christopher J. Neary

14 Christopher J. Neary
15 Attorneys for Plaintiffs CHRISTOPHER
16 GENE LYMAN and JESSICA HELEN
O'DANIEL

17 DATED: April 22, 2012

HOUSER & ALLISON

18 /s/ Jason K. Boss

19 Jason K. Boss
20 Attorneys for Defendants OCWEN LOAN
21 SERVICING, LLC, DEUTSCHE BANK
22 NATIONAL TRUST COMPANY, AS
23 TRUSTEE FOR IXIS REAL ESTATE
24 CAPITAL TRUST 2005-HE3 MORTGAGE
25 PASS THROUGH CERTIFICATES, SERIES
26 2005-HE3 (erroneously sued as DEUTSCHE
27 BANK NATIONAL TRUST COMPANY),
DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR IXIS REAL
ESTATE CAPITAL TRUST 2005-HE3
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2005-HE3
(erroneously sued as IXIS REAL ESTATE
CAPITAL TRUST 2004-HE3), MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., AND WESTERN PROGRESSIVE, LLC

28 *[Proposed Order on Next Page]*

ORDER

This Honorable Court, having reviewed the Stipulation of the Parties herein above and finding good cause therefore, hereby orders as follows:

Defendants OCWEN LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AND WESTERN PROGRESSIVE, LLC (collectively “Defendants”) shall be granted until **April 27, 2012** to file a Reply to Plaintiffs’ Opposition to Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint.

IT IS SO ORDERED.

Dated: April 23, 2012



Judge
HONORABLE NANDOR J. VADAS
United States Magistrate Judge,
United States District Court,
Northern District of California, Eureka Division